

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BORIS IOSELEV,

Plaintiff,

v.

IRINA SCHILLING, et al.,

Defendants.

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Civil Action No. 09-6039(FSH)

ORDER

This matter having come before the Court on the "motion" of plaintiff for an Order deeming requests for admission he served upon the defendant "admitted";

and Fed. R. Civ. P. 36 governing requests for admission;

and Fed. R. Civ. P. 36(a)(3) specifically notifying the parties of the effect of not responding;

and Rule 36(a)(3) stating that "[a] matter is admitted unless, within 30 days after being served, the party to whom the request is directed serves on the requesting party a written answer or objection addressed to the matter and signed by the party or its attorney. A shorter or longer time for responding may be stipulated to under [Rule 29](#) or be ordered by the court;":

and because Rule 36 is self-executing, a motion seeking an Order declaring that a request to which a response is not provided is unnecessary;

IT IS THEREFORE on this 5th day of August, 2010

ORDERED that the motion for an order deeming as admitted the requests for admissions served on defendants [Docket No. 35] is terminated as unnecessary;

IT IS FURTHER ORDERED that the request for costs is denied as the motion was unnecessary; and

IT IS FURTHER ORDERED that the request for sanctions is denied as the nonresponsiveness of the defendants has provided the plaintiff with admissions for use in these proceedings.

s/Patty Shwartz
UNITED STATES MAGISTRATE JUDGE